

**Regular Board Meeting**

**December 5-6, 2018**

**8:30 AM**

**Arizona Board of Pharmacy Office**

**1616 W. Adams, Suite 120**

**Phoenix, AZ 85007**



**Regular Board Meeting**



**Arizona Board of Pharmacy Office**  
**1616 W. Adams, Suite 120**  
**Phoenix, AZ 85007**  
**Telephone (602) 771-2727 Fax (602) 771-2749**  
**[WWW.AZPharmacy.gov](http://WWW.AZPharmacy.gov)**

### **NOTICE AND AGENDA OF A REGULAR BOARD MEETING**

Pursuant to A.R.S. § 38-421.02, notice is hereby given to the members of the Arizona State Board of Pharmacy (Board) and to the general public that the Board will hold a regular meeting open to the public on:

**Date(s):**

December 5-6, 2018  
8:30 AM

**Location:**

Arizona Board of Pharmacy Office  
1616 W. Adams, Suite 120  
Phoenix, AZ 85007

One or more members of the Board may participate in the meeting by Telephone.

Title 2 of the Americans with Disability Act (ADA) prohibits the Board from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation by contacting the Board Office at 602-771-2727. Requests should be made as early as possible to allow time to arrange the accommodation.

During the course of the meeting, the Board, upon a majority vote of a quorum of the members, may hold an executive session for any of the following purposes:

- Pursuant to A.R.S. § 38-431.03 (A)(1) - personnel matters
- Pursuant to A.R.S. § 38-431.03 (A)(2) - discussion or consideration of confidential material
- Pursuant to A.R.S. § 38-431.03 (A)(3) - obtaining legal advice

The executive session will be held immediately after the vote and will not be open to the public. The agenda is subject to change up to 24 hours prior to the meeting. The Board president reserves the right to change the order of the items on the agenda, except for matters set for a specific time.

## **AGENDA - December 5, 2018**

- 1. Call to Order**
- 2. Roll Call and Declaration of Conflicts of Interest**
- 3. Discussion and possible action relating to utilizing the live-stream video as the official record of Board meetings until further notice.**

"Pursuant to A.R.S. §38-431.01 (B), the Board is notifying the public that the live stream videos of the Board meetings, beginning June 2017 through today, shall serve as the official record of those meetings. The videos are available on the Board's website. In addition, the videos of future board meetings shall also serve as the official record of the meetings until further notice. All Notices, Agendas and videos will remain readily available on the Board's website."

### **CONSENT AGENDA - Sections 4 through 8.**

Items listed on the Consent Agenda (sections 4 through 8) will be considered by the Board as a single action item unless a Board Member wishes to remove a specific item for review, discussion and action separately from the other Consent Agenda items.

#### **4. Consent Agenda - License and Permit Applications**

Discussion, consideration and possible action regarding license and permit applications.

NOTE: Detailed list of Requests/Applications for permits/Licenses is posted with the agenda at the Board Office.

- 4.a. Resident Pharmacy Permit Applications**  
[Resident Pharmacy Permit Applications.pdf](#)
- 4.b. Non-Resident Pharmacy Permit Applications**  
[Non-Resident Pharmacy Permit Applications.pdf](#)
- 4.c. Resident Wholesaler Permit Applications**  
[Resident Wholesaler Permit Applications.pdf](#)
- 4.d. Non-Resident Wholesaler Permit Applications**  
[Non-Resident Wholesaler Permit Applications.pdf](#)
- 4.e. Resident Manufacturer Permit Applications**  
[Resident Manufacturer Permit Applications.pdf](#)
- 4.f. Non-Resident Manufacturer Permit Applications**  
[Non-Resident Manufacturer Permit Applications.pdf](#)

- 4.g. Resident Third Party Logistics (3PL) Permit Applications  
[Resident Third Party Logistics \(3PL\) Permit Applications.pdf](#)
- 4.h. Non-Resident Third Party Logistics (3PL) Permit Applications  
[Non-Resident Third Party Logistics \(3PL\) Permit Applications.pdf](#)
- 4.i. Pharmacist License Applications  
[Pharmacist License Applications.pdf](#)
- 4.j. Intern License Applications  
[Intern License Applications.pdf](#)
- 4.k. Pharmacy Technician License Applications  
[Pharmacy Technician License Applications.pdf](#)

## 5. Consent Agenda - Concerns per Staff

Discussion, consideration and possible action regarding concerns per staff and whether to open a complaint.

### 5.a. Concern #1

Staff received a notice from the Department of Public Safety regarding the suspension of a licensee's fingerprint clearance card. The card was later reactivated. The licensee may have failed to disclose the charge that led to the suspension of her clearance card within ten working days as required by A.R.S. § 32-3208.

### 5.b. Concern #2

Staff received a notice from the Department of Public Safety indicating that a licensee had been arrested for Misdemeanor Assault-Intent/Reckless/Injure. The licensee may have failed to disclose the charge within ten working days as required by A.R.S. § 32-3208.

### 5.c. Concern #3

The Board received a letter from a patient concerned about the rude behavior of the pharmacist and technician trainee.

## 6. Consent Agenda - Complaints without Violations per Staff

Discussion and possible action regarding the complaints without violations per Board's staff. The Board will review the recommendations from the Complaint Review Committee and decide on whether to accept the recommendations.

- 6.a.** 18-0259  
A pharmacist allegedly held a prescription until it expired
- 6.b.** 18-0337  
Pharmacist refused to replace defective prescription sumatriptan pen
- 6.c.** 18-0223  
Unauthorized Disclosure of Protected Health Information
- 6.d.** 18-0274  
Records for a Prescription Transfer Not Maintained / Not Available
- 6.e.** 18-0280  
Unauthorized Release of Protected Health Information
- 6.f.** 18-0251  
Pharmacy did not fill a prescription and did notify the prescriber
- 6.g.** 18-0335  
Prescription not filled for full amount
- 6.h.** 18-0297  
Prescriptions are refilled without customers request or authorization
- 6.i.** 18-0271  
Pharmacy did not dispense the full quantity of a prescription
- 6.j.** 18-0282  
Valsartan recall
- 6.k.** 18-0281  
Complainant not receiving medication after order transferred to affiliated pharmacy
- 6.l.** 18-0295  
Complainant believes that her HIPPA rights were violated

- 6.m.** 18-0262  
Pharmacist refused to refill a prescription.
- 6.n.** 18-0269  
Pharmacist was verbally abusive and refused to investigate a potential medication error.
- 6.o.** 18-0278  
No pharmacist in the pharmacy and tiny particles in a bottle of compounded eye drops.
- 6.p.** 18-0287  
Pharmacy could not find prescription for her pet and then refused to dispense prescription without providing counseling.
- 6.q.** 18-0289  
Full drug name not printed on patient label.
- 6.r.** 18-0294  
Pharmacist received a refill request from another pharmacy with him as the prescriber and his pharmacy as his office address.
- 6.s.** 18-0338  
Pharmacy staff confused when presented with a prescription for cloxacillin.
- 6.t.** 18-0333  
Physician states that a pharmacy chain has been using outdated contact information, including address, phone number and fax number, for his office for 2 & 1/2 years.

## **7. Consent Agenda - Complaints with Violations per Staff**

Discussion and possible action regarding the complaints with violations per Board's staff. The Board will review the recommendations from the Complaint Review Committee and decide on whether or not to accept the recommendations.

### **7.a.** 18-0218

A licensee failed to disclose an arrest on her license renewal application.

**7.b.** 18-0241

A licensee disclosed her second DUI on her 2017 license renewal application.

**7.c.** 18-0331

On his permit renewal application, a permit holder disclosed that he had been charged with dangerous drug violations. He also disclosed that he was under investigation by the Department of Liquor Licenses and Control.

**7.d.** 18-0373

A licensee disclosed his second DUI on his 2018 license renewal application.

**7.e.** 18-0376

A licensee disclosed his second DUI on his 2018 license renewal application.

**7.f.** 18-0175

A pharmacy sold a patient the wrong prescription and lost a prescription

**7.g.** 18-0205

Refusal to Dispense Medication Due to Moral/Ethical Reason(s)

**7.h.** 18-0260

Unprofessional Conduct - Failure to Disclose Arrest & Conviction

**7.i.** 18-0279

A patient received another patients medication in her bag

**7.j.** 18-0300

Board staff opened a complaint in response to notification from the Arizona Department of Public Safety indicating that a pharmacist intern was arrested for DUI. The licensee may have failed to disclose the charge within 10 working days as required by A.R.S. § 32-3208.

**7.k.** 18-0388

Board staff opened complaint, pharmacy failed to report unprofessional conduct

- 7.l.** 18-0265  
A permit holder non-compliantly participated in shared services
- 7.m.** 18-0184  
  
Firm distributing drug product to retailer without a valid wholesaler permit. This complaint was tabled at the September 2018 meeting.
- 7.n.** 18-0276  
Failure to Report Controlled Substance Dispensed to the AZ CSPM Program
- 7.o.** 18-0392  
  
A licensee disclosed his second DUI and an alcohol-related disorderly conduct charge on his 2018 license renewal application.
- 7.p.** 18-0328  
  
Board staff opened a complaint after receiving notice of a licensee's second DUI. The licensee may have failed to disclose the charge within 10 working days as required by A.R.S. § 32-3208.
- 7.q.** 18-0375  
  
A licensee disclosed his fourth DUI on his 2018 license renewal application.
- 7.r.** 18-0342  
Unprofessional Conduct - Dispensing a Prescription Drug without a Valid Prescription  
Violation of Consent Agreement - PAPA Required Random Drug Screen Failure
- 7.s.** 18-0386  
  
A licensee may have failed to notify the Board of a DUI charge within 10 working days as required by A.R.S. § 32-3208.
- 7.t.** 18-0387

A licensee may have failed to report a DUI charge within 10 working days as required by A.R.S. § 32-3208.

**7.u.** 18-0173

A licensee disclosed his second DUI. The licensee was disciplined by the Board of Pharmacy in the state in which he resides for the DUI.

**7.v.** 18-0398

A licensee disclosed his second DUI on his 2018 license renewal application. The licensee may have failed to report the charge within 10 working days as required by A.R.S. § 32-3208 and may have failed disclose his previous DUI on his 2010 license renewal application.

**7.w.** 17-0170

A licensee failed to notify the Board of a DUI charge within 10 working days as required by A.R.S. § 32-3208.

**7.x.** 18-0285

Prescriptions Labeled with Incorrect Directions  
Product Substitution without Prescriber Approval

**7.y.** 18-0390

A technician trainee was terminated from his employment for testing positive during a routine drug screening.

**7.z.** 18-0288

Prescription Errors - incorrect quantity & mixed drug product dispensed

**7.aa.** 18-0273

Pharmacist attempted to dispense one tablet that had fallen onto the pharmacy's front counter

**7.ab.** 18-0303

A pharmacy allegedly filled the wrong medication strength

**7.ac.** 18-0324

A licensee failed to disclose a conviction on her initial application for licensure submitted in 2010.

**7.ad.** 18-0164

Pharmacist to plead guilty to diverting Hydrocodone from patient prescriptions for personal use

**7.ae.** 18-0284

Complainant received another patient's medication

**7.af.** 18-0296

Wrong prescriber entered in pharmacy database and reported to CSPMP

**7.ag.** 18-0383

Controlled substance accountability

**7.ah.** 18-0336

Received 2 strengths of Losartan mixed in vial, unknown quantity of incorrect strength taken

**7.ai.** 18-0290

A pharmacy refused to take back a prescription on auto refill

**7.aj.** 18-0268

Dispensing CII medications without data entry record and current labeling

**7.ak.** 18-0201

Unprofessional Conduct - falsifying prescription record(s)

**7.al.** 18-0283

Patient received another patient's prescription with a similar name.

**7.am.** 18-0291

Pharmacist refused to fill a prescription for Viagra that a physician was prescribing for himself.

**7.an.** 18-0332  
Prescription written as Keflex 500mg was filled as Keppra 500mg.

**7.ao.** 18-0434

A licensee disclosed charges of DUI and Possession of Drug Paraphernalia on his 2018 license renewal application. The licensee failed to disclose the charges within ten working days as required by A.R.S. § 32-3208.

**7.ap.** 18-0374

A licensee disclosed marijuana and drug paraphernalia violations on her 2018 license renewal application. The licensee failed to disclose the charges within ten working days as required by A.R.S. § 32-3208.

**7.aq.** 18-0186

Employee Diversion of Controlled Drug  
Employee Removal and Return of Possible Adulterated Controlled Drug

**7.ar.** 18-0247

Controlled Substance Diversion & Use of Potentially Adulterated Product

**8. Consent Agenda - E-Prescribing Waivers Approved by Board Staff**

- 8.a.** 1. E-Prescribing Waivers Approved by Bucket  
2. E-Prescribing Waiver Tracking Sheet

**9. Resident Pharmacy Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 9.a.** Synergis Compounding Pharmacy  
Nicholas J Estrada, Owner & PIC  
1017 S. Gilbert Rd., Suite 206  
Mesa, AZ 85204  
Y007843

Application for a new independent pharmacy permit. The owner has no known history of pharmacy ownership.

- 9.b.** LIFECARE PHARMACY YUMA  
PREM KALIDINDI, Owner  
No PIC Designated  
2514 S AVENUE A SUITE 2  
YUMA, AZ 85364  
Y007848

Application for a new independent pharmacy. The owner is not licensed as a pharmacist in Arizona and has no known history of pharmacy ownership.

- 9.c.** San Tan Pharmacy, LLC  
San Tan Pharmacy, LLC, Owner  
Jayson Paul Gomez, PIC  
37100 N. Gantzel Road Suite 214  
San Tan, AZ 85140  
Y007857

Application for a new independent pharmacy permit. The owner has no known history of pharmacy ownership. San Tan Pharmacy also submitted a deviation request for a 244 sf floor plan.

- 9.d.** Apostrophe Pharmacy, LLC  
Apostrophe Pharmacy LLC, Owner  
No PIC Designated  
201 W Guadalupe Suite 202  
Gilbert, AZ 85233  
Y007880

Application for a new independent pharmacy permit. The owner has no known history of pharmacy ownership.

- 9.e.** Healthrx Pharmacy  
Thulan T Vo and Dominic Tran, Owners  
Thulan T Vo, PIC  
1674 N Higley Rd Suite 105  
Gilbert, AZ 85234  
Y007881

Application for a new independent pharmacy permit. The owners have no known history of pharmacy ownership.

- 9.f.** Benzer AZ 1 LLC  
Benzer AZ 1 LLC, Owner  
Nital Mehta, PIC  
2080 N. Dobson Road Suite #3  
Chandler, AZ 85224  
Y007827

Application for a new independent pharmacy permit.

- 9.g.** DeeFlat Pharmacy  
Tuan Quoc Dinh, Owner & PIC  
2580 Highway 95 Suite 106  
Bullhead City, AZ 86442  
Y007928

New independent pharmacy permit application. The owner has no known history of pharmacy ownership.

**10. Non-Resident Pharmacy Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 10.a.** Walnut Creek Rx LLC  
Walnut Creek Rx LLC, Owner  
Kristi Hurley, PIC  
11020 Q Street  
Omaha, NE 68137  
Y007736  
Change of Ownership

Application for an independent pharmacy permit submitted due to a change in ownership. Permits held by the previous owner in the States of North Carolina and Virginia were suspended. This application was tabled at the September 2018 meeting.

- 10.b.** Talon Compounding Pharmacy  
Vita Pharmacy, LLC, Owner  
Ronda Wenzel, PIC  
2950 Thousand Oaks Dr. Suite 25  
San Antonio, TX 78247  
Y007759  
Change of Ownership

Application for an independent pharmacy permit submitted due to a change in ownership.

The facility was issued a Form FDA 483 and disciplined while under previous ownership. This application was TABLED at the September 2018 Board meeting. The Board requested that Talon provide the Texas inspection from July 2018, the VPP Inspection, and a list of states that Talon Compounding Pharmacy is licensed in.

#### **11. Resident Wholesaler Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 11.a.** fenixSBT  
Ronald Morgan, Owner  
Ronald Morgan, Designated Representative  
7150 W. Roosevelt St., B149  
Phoenix, AZ 85043

New nonprescription drug wholesaler applicant issued a cease and desist letter. This application was tabled at the September 2018 meeting.

#### **12. Non-Resident Wholesaler Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 12.a.** Morris & Dickson Co., L.L.C.  
Paul M. Dickson, Owner  
Jacob A. Dickson, Designated Representative  
10301 Highway 1 South  
Shreveport, LA 71115  
W003218

A new non-resident full service wholesaler permit application. The applicant disclosed that the DEA had issued an Order of Immediate Suspension of the company's two registrations. The company was permitted to resume distributing after a judge granted a temporary restraining order against the DEA. The DEA subsequently rescinded the Order. An Order to Show Cause hearing was scheduled for November 13, 2018.

#### **13. Resident Manufacturer Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 13.a.** Vacant

#### **14. Non-Resident Manufacturer Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 14.a.** Pacifico National Inc. dba AmEx Pharmacy  
Mark Sangree/Cindy Justice, Owners  
Christina Buhrman, Designated Representative  
1515 Elizabeth St. Suite J  
Melbourne, FL 32901  
M001227

Applicant disclosed disciplinary action on their application. The application was tabled at the September 2018 meeting.

- 14.b.** OPS INTERNATIONAL INC. DBA OLYMPIA PHARMACY  
MARCO LOLEIT, Owner  
CONFIDENCE EKEANYANWU, Designated Representative  
6700 Conroy Road SUITE 155  
Orlando, FL 32835  
M001251

A new non-resident 503B Outsourcer permit application. The applicant received a Warning Letter from the FDA in 2016 and was issued an FDA Form 483 in 2018.

## **15. Resident Third Party Logistics Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 15.a.** Vacant

## **16. Non-Resident Third Party Logistics Permit Applications Requiring Board Review**

Review, discussion and possible action on the following permit applications.

- 16.a.** Vacant

## **17. License Renewal Applications Requiring Board Review**

Discussion, consideration, and possible action regarding the renewal applications requiring Board review.

- 17.a.** Edin Aldobasic T031078

Mr. Aldobasic completed a renewal application and Mr. Aldobasic has an outstanding unsigned consent agreement regarding case no. 18-0056.

**17.b.** Susana Alicia Lopez

Ms. Lopez completed a renewal application and Ms. Lopez currently has an Interim Board Order for an evaluation. Ms. Lopez has a pending renewal application for her Pharmacy Technician License.

**18. License Applications Requiring Board Reconsideration**

Discussion, reconsideration, and possible action regarding the license applications requiring Board review.

**18.a.** James Isaac De Anda, Pharmacy Technician Trainee License Applicant

The Board considered this application at their March 28-29, 2018 meeting. The application was approved on the condition that the applicant enter into a Consent Agreement for Civil Penalty. The applicant has not entered into the proposed Consent Agreement.

**18.b.** Andrew Escobedo, Pharmacy Intern License Applicant

The Board considered this application at their September 26-27, 2018 meeting. The Board voted to provide Mr. Escobedo with a Consent Agreement for an evaluation. Mr. Escobedo complied with the Consent.

**18.c.** Kristen Homeyer, Technician Trainee License Applicant

Applicant failed to disclose her entire criminal history which includes charges of drug paraphernalia in July 2015, DUI in November 2011 and DUI in September 2011. At the September 2018 meeting, the Board voted to issue Ms. Homeyer an Interim Order for Substance Use/Abuse Evaluation. Ms. Homeyer did not complete the Order. Ms. Homeyer still has an open application for a Technician Trainee.

**19. License Applications Requiring Board Review - Applicants with Disclosed Criminal History and/or Disciplinary Action**

Review, discussion and possible action on the following license applications.

**19.a.** Alexi Yoschiang Lai, Pharmacy Technician License Applicant

Applicant disclosed a charge for possession of drug paraphernalia. Applicant holds a technician trainee license.

**19.b.** Alyssia Jordan Lee Looney, Pharmacy Technician Trainee License Applicant

Applicant disclosed an arrest for drug paraphernalia-possession-use.

**19.c.** David Anthony Moreno, Pharmacy Technician Trainee License Applicant

Applicant disclosed a 2014 charge for Possession or Use of Marijuana. Applicant was denied an Arizona fingerprint clearance card.

**19.d.** Christopher John Nelson, Pharmacy Technician Trainee License Applicant

Applicant disclosed charges of operating under the influence, possession of THC, possession of drug paraphernalia and disorderly conduct.

**19.e.** Tracey Pavlik, Pharmacy Technician Trainee License Applicant

Applicant disclosed two DUI charges on her application for licensure.

**19.f.** Gardenia Veronica Stone, Pharmacy Technician License Applicant

Applicant disclosed a 2017 shoplifting charge on her application. Applicant was licensed as a technician trainee at the time and may have failed to disclose the charge within ten working days as required by A.R.S. § 32-3208.

**19.g.** Jennifer Nicole Turklay, Pharmacy Technician License Applicant

Applicant disclosed charges that include shoplifting and DUI.

**19.h.** Alexander Zamora, Pharmacy Technician License Applicant

Applicant disclosed two DUI charges on his application for licensure.

**20. License Applications Requiring Board Review - Applicants with Undisclosed Criminal History and/or Disciplinary Action**

Review, discussion and possible action on the following license applications.

**20.a.** Elizabeth Anne Andrews, Pharmacy Technician License Applicant

Applicant failed to disclose disciplinary action taken by the Kentucky Board of Pharmacy.

Applicant was licensed as a pharmacist with this Board.

**20.b.** Geneva Bigthumb, Pharmacy Technician Trainee License Applicant

Applicant failed to disclose several charges for driving on a suspended license and issuing a bad check.

**20.c.** Stephanie Blosser, Pharmacy Technician Trainee License Applicant

Applicant failed to disclose a charge for drug paraphernalia possession and use.

**20.d.** Jose O. Esquivel, Pharmacy Technician Trainee License Applicant

Applicant did not disclose a 2018 DUI charge.

**20.e.** Gabriela Alejandra Galindo, Pharmacy Technician Trainee License Applicant

Applicant failed to disclose charges of driving with license suspended/revoked/cancelled and false report to law enforcement.

**20.f.** Avsholom Leviyev, Pharmacy Technician Trainee License Applicant

Applicant did not disclose charges for assault, aggravated assault-violation of protection order, unlawful imprisonment and failure to comply with a court order. Applicant also failed to disclose that he voluntarily surrendered his CNA certificate.

**20.g.** Guy Owens, Pharmacy Technician Trainee License Applicant

Applicant failed to disclose DUI charges.

**20.h.** Farin Nicole Vasquez, Pharmacy Technician License Applicant

Applicant failed to disclose disciplinary action taken by the Texas State Board of Pharmacy.

**20.i.** Michael William Waxman, Pharmacy Technician Trainee License Applicant

Applicant did not disclose a 2009 DUI charge on his application and failed to report a DUI charge received after submitting his application.

**20.j.** Kyle Whitfield, Pharmacy Technician Trainee License Applicant

Applicant failed to disclose charges of attempting to commit arson of property, disorderly conduct - disturbance, unreasonable noise and DUI.

**21. Action on Previous Action**

Discussion, consideration and possible action on previous action for the following cases:

**21.a.** 17-0011

This complaint was presented to the Board at the December 2017 Board meeting. The Board voted to issue a Consent Agreement for to be evaluated. The licensee complied with the Order and the results are attached. The results of the evaluations are confidential and cannot be discussed on the record. The Board may discuss the matters in executive session.

**21.b.** 18-0105

The Board was notified of the termination of a pharmacist for taking opiates out of the pharmacy. This complaint was presented to the Board at the August 2018 Board meeting. The Board voted to have the licensee evaluated for substance use disorder along with a neuropsychological evaluation. The licensee complied with the Order and the results are attached. The results of the evaluations are confidential and cannot be discussed on the record. The Board may discuss the matters in executive session.

**22. Conferences**

Discussion, consideration and possible action regarding conferences.

**22.a.** 18-0157

The patient complainant alleges that the second fill of his prescription was made with an ingredient to which he is allergic and that he subsequently suffered physical damage.

**22.b.** 18-0046

A patient complaint indicated that she received a medication that the doctor had not prescribed to her.

**22.c.** 18-0196

Pharmacist refused to fill a prescription.

**22.d.** 18-0240

Pharmacist refused to fill a prescription.

**22.e.** 18-0172

Complaint was opened by board staff in response to notification from the AZ Department of Public Safety stating technician was arrested on 4/2/2018 and convicted on 5/2/2018 for misdemeanor – driving under the influence (ARS 28-1381).

**22.f.** 18-0249

Pharmacy Technician with multiple criminal charges including marijuana charges and recent DUI.

**22.g.** 18-0199

Nonprescription wholesaler distributing drugs to non-permitted businesses

**22.h.** 18-0032

Complaint was opened by board staff in response to invoices found by the Board's inspector during routine retailer inspections. The invoices showed that a wholesale company, permitted with the Board, has continued to sell product to non-permitted retailers despite a Consent Agreement, regarding this same matter, signed in January 2018.

**22.i.** 18-0224

A technician notified the Board of a felony charge on his license renewal application.

## **23. Hearings/Motions to Deem**

**23.a.** Hearing #1: Tonia Attakai - Board Case No. 17-0040

Formal administrative hearing in the matter of Tonia Attakai, including findings of fact and

conclusion of law and decision. Alternative, consideration of the State's motion to deem and possible vacating of formal hearing.

**23.b.** Hearing #2: Diana Donnersbach - Board Case No. 17-0147

Formal administrative hearing in the matter of Diana Donnersbach, including findings of fact and conclusion of law and decision. Alternative, consideration of the State's motion to deem and possible vacating of formal hearing.

**23.c.** Hearing #3: Rachael Randolph - Board Case No. 17-0165

Formal administrative hearing in the matter of Rachael Randolph, including findings of fact and conclusion of law and decision. Alternative, consideration of the State's motion to deem and possible vacating of formal hearing.

**24. Special Requests - Discussion, consideration and possible action.**

**24.a.** Discussion, consideration, and possible action - request to lift the probation status on Soral Karim's license no. S017429 involving case no. 14-0003.

**24.b.** Discussion, consideration, and possible action - request to lift the probation status on Jacqueline Barrios's license no. T044959 involving case no. 17-0054.

**24.c.** Discussion, consideration, and possible action regarding Melissa Beck's request to retake the NAPLEX.

**24.d.** Discussion, consideration and possible action regarding AZ Price Line Inc's request to reduce the civil penalty in the proposed Consent Agreement for Civil Penalty in Board Case No. 18-0162.

AZ Price Line Inc (W002624) is requesting reconsideration of the Civil Penalty levied in the proposed Consent Agreement for Civil Penalty in Board Case No. 18-0162.

**24.e.** Discussion, reconsideration and possible action regarding Samantha Walker's Denial of her Pharmacy Technician application and discussion of complaint 18-0237.

This item was tabled at the September 2018 regular Board meeting. Ms. Walker's Pharmacy Technician application was denied in May 2018 because of her failure to disclose her criminal history on the application. The Board's staff pulled Ms. Walker's Technician Trainee application from 2017 and discovered that Ms. Walker also failed to disclose the

same information in 2017. As a result, complaint 18-0237 was opened against Ms. Walker. Ms. Walker requested to appear for the Board to reconsider the denial of her Pharmacy Technician application and to discuss complaint 18-0237 regarding her failure to disclose on her Technician Trainee application.

- 24.f.** Discussion, reconsideration and possible action regarding the Consent Agreement for Civil Penalty in Board Case No. 18-0080 involving Genoa Healthcare, LLC.

Genoa Healthcare, LLC (Y007067) is requesting reconsideration of the Civil Penalty levied in the proposed Consent Agreement for Civil Penalty in Board Case No. 18-0080.

- 24.g.** Discussion, consideration and possible action regarding OptumRx's Special Request to allow non-resident technicians to work from home.

Edward Rickert of Quarles & Brady submitted a request to appear before the Board to discuss technicians who reside out of state, but are entering orders for a pharmacy located in Arizona on behalf of his client, OptumRx.

- 24.h.** Discussion, consideration and possible action on a Deviation Request submitted for the Albertsons and Safeway pharmacies in Arizona.

The Albertsons Companies are requesting a deviation to allow their pharmacy teams to utilize their pharmacy dispensing software's capability to electronically notify prescribers when a patient is immunized in lieu of manually faxing each notification.

- 24.i.** Discussion, Determination and Possible Action - Deviation for Space - C.A.R.E. Pharmacy L.L.C.

- 24.j.** Discussion, Determination and Possible Action - National Kratom Association to Discuss Board Decision to Schedule Kratom  
Charles Haddow, Senior Fellow on Public Affairs (NKA)  
Oliver Grundmann, PhD, MS, University of Florida

- 24.k.** Discussion, consideration and possible action on the rule package relating to but not limited to regulating dietary supplements, Prescription Drug Orders: Adaptation. other language to align with Arizona Revised Statutes, to include directing Kam Gandhi to Open the Docket.

- 24.l.** Discussion, consideration and possible action regarding PillPack Pharmacy's Special Request for a deviation from the current Arizona Board of Pharmacy's rules limiting the use of pharmacy technicians during the prescription transfer process.

Roger Morris and Leah Tinney of Quarles & Brady submitted a request to appear before the Board to discuss prescription transfers involving pharmacy technicians.

- 24.m.** Discussion, consideration and possible action - MedAvail's two deviation requests. The first deviation request is to allow for use of an automated dispensing system in a non-pharmacy setting. The second deviation request is to allow MedAvail to dispense first fill medications that require oral consultation. The deviations would apply to the following addresses:

- 24.n.** Discussion, consideration and possible action - MedAvail's request to change the location of select MedAvail's home pharmacy to the Phoenix location, permit Y007635.

- 24.o.** Discussion, consideration and possible action - MedAvail's staffing model. During the September 2018 Board meeting, the Board requested MedAvail to present their staffing model.

- 24.p.** Discussion, Determination and Possible Action: Applications for Licenses and Permits for Review. Board Staff asking for Approval.

- 24.q.** Discussion, Determination and Possible Action: Paid Intern hours for other state requirements. How does the Board want to handle this?

## **25. Consent Agreements**

Vacant

## **26. Reports - Discussion, Determination and Possible Action**

- 26.a.** Executive Director
1. Financials
  2. NABP District 6, 7 , and 8 meeting
  3. NABP Executive Forum
  4. Rules Package - public comments review - Discussion and ask for Final approval and move to GRRC
  5. Returned Drugs and Devices for re-distribution.
  6. Office Remodel (see attached plans and quote)
  7. Applicants/Licensee with Criminal history Task Force (Joe Leyba, Kevin Dang, Mo Salari)
  8. Recognition of Board Member's Service to the Board.

[Public Comment of Rules Package.pdf](#)  
[NFR102018 \(8\) \(1\).doc](#)  
[R4-23-409 Returning Drugs and Devises.docx](#)

**26.b.** Deputy Director's Report

**26.c.** CSPMP Director's Report

1. 2018 Achievements
2. CSPMP Task Force Recap
3. Survey Results

**27. Discussion of Items to be Placed on a Future Meeting Agenda**

**28. Call to the Public**

The Board may make an open call to the public during the meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the Board on any issue(s) within its jurisdiction. Pursuant to A.R.S. §38-431.91 (G), members of the Board are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, the Board may ask staff to review the matter or may ask that the matter be placed on a future agenda.

**29. Adjournment**